

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

WEST COAST LIFE INSURANCE
COMPANY,

Plaintiff,

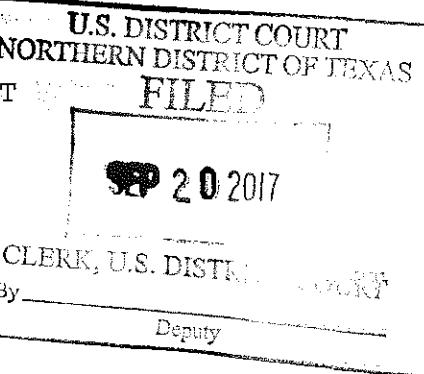
VS.

KENNETH DEAN MARTIN, ET AL.,

Defendants.

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NO. 4:17-CV-605-A



ORDER

Came on for consideration the unopposed motion of plaintiff, West Coast Life Insurance Company, to deposit interpled funds into an interest bearing account, for discharge and dismissal with prejudice, and for attorney's fees. The court finds that the motion to deposit interpled funds should be granted as set forth herein.

The court ORDERS that:

- (1) plaintiff be, and is hereby, directed immediately to tender to the Clerk of the United States District Court for the Northern District of Texas the sum of Two Hundred Forty Thousand Dollars (\$240,000.00), representing the proceeds due under its Policy No. Z02390964, plus any applicable interest, less the award of attorney's fees upon which the parties have agreed;
- (2) the Clerk shall deposit such proceeds into an interest-bearing account pending further order of the court;

(3) plaintiff have and recover out of the Policy Proceeds (as defined below) the sum of Ten Thousand Dollars (\$10,000.00) as attorney's fees and expenses for bringing this action;

(4) defendants, Kenneth Dean Martin ("Martin") and Wade Allen Delk ("Delk"), be, and are hereby, enjoined and restrained from instituting or prosecuting further any proceeding in any state or United States court, including this court, either at law or in equity, against plaintiff and/or its agents arising out of or relating to plaintiff's Policy No. Z02390964 providing life insurance coverage on the life of Linda M. Martin (the "Policy") or the Policy proceeds that are to be placed in the court's registry (the "Policy Proceeds");

(5) upon deposit of the Policy Proceeds into the registry of the court, plaintiff and its agents are fully and finally discharged from any further liability, whether to Delk or Martin or otherwise, arising out of or relating to the Policy or Policy Proceeds;

(6) no costs of court are to be taxed against plaintiff;

(7) the parties to this action be realigned so that Delk is the plaintiff and Martin is defendant;

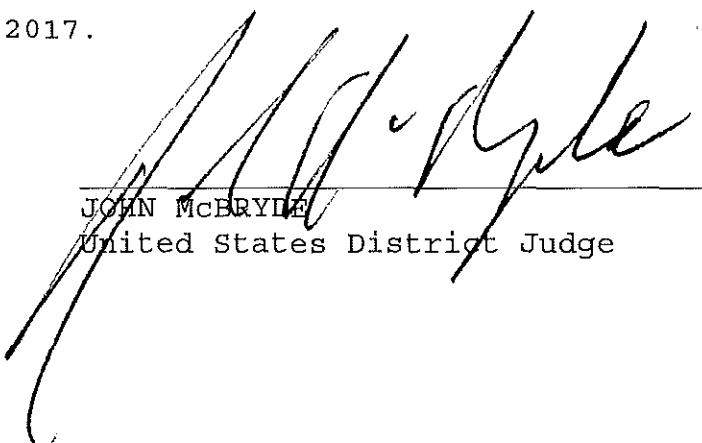
(8) the caption of the action to be changed to reflect the realignment of the parties, so that from this point forward the

action be styled "Wade Allen Delk, plaintiff, v. Kenneth Dean Martin, defendant;"

(9) by 2:00 p.m. on September 29, 2017, Delk shall file a pleading titled "Plaintiff's Complaint" asserting whatever claims he has to the Policy Proceeds; and

(10) by October 13, 2017, Martin shall file his answer, or other responsive pleading, to such complaint, including any counterclaim he may wish to assert.

SIGNED September 20, 2017.


JOHN MCBRYDE
United States District Judge